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Message Text

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APPROVED BY ACDA/NWT:TDAVIES
NSC:JMARCUM
PM:RMARTIN
C:HSONNENFELDT
ERDA:RDUFF
CIA:JFOSTER
DOD:TGEORGE
S/S: CABORG
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P 090108Z SEP 75
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S E C R E T STATE 213670

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E.O. 11652:N/A
TAGS:US,UR,PARM
SUBJECT: TTBT/PNE NEGOTIATIONS

STATE PNE MESSAGE NUMBER ONE

1. THERE FOLLOWS, BEGINNING IN PARA. 4, FOR DELEGATION INFORMATION AND BACKGROUND USE ONLY UNTIL INSTRUCTED OTHERWISE, THE TEXT OF THE U.S. DRAFT TREATY BETWEEN THE U.S.
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AND THE U.S.S.R. ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES, TOGETHER WITH PROTOCOLS I AND II TO THE TREATY.

2. IN ADDITION TO DELETION OF ALL REFERENCES TO PROTOCOL III, SIGNIFICANT CHANGES HAVE BEEN MADE IN THE FOLLOWING PARTS OF THE DRAFT TEXT IN THE AUGUST 29 VPWG PAPER:

(A) TREATY ARTICLE IV

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(B) PROTOCOL I, ARTICLE III, PARA 4

(C) PROTOCOL II, ARTICLE II, PARA 1

(D) PROTOCOL II, ARTICLE II, PARA 3

(E) PROTOCOL II, ARTICLE II, PARA 7 (DELETION OF "ALONG THE CANISTER" IN THE FIRST SENTENCE)

3. DELEGATION SHOULD EXAMINE TEXT CAREFULLY FOR ANY TRANSMISSION ERRORS AND CABLE WASHINGTON ASAP FOR NECESSARY CLARIFICATIONS REGARDING SUCH ERRORS.

4. BEGIN TREATY TEXT.

BEGIN TEXT: DRAFT TREATY (FOOTNOTE: THE TERM "TREATY" IS USED THROUGHOUT THIS TEXT WITHOUT PREJUDICE TO THE ULTIMATE FORM OF THE DOCUMENT.) BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

------ PREAMBLE

THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, HEREINAFTER REFERRED TO AS THE PARTIES,

DECLARING THEIR INTENTION TO IMPLEMENT ARTICLE III OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, WHICH CALLS FOR THE
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EARLIEST POSSIBLE CONCLUSION OF AN AGREEMENT ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES,

DESIRING TO ASSURE THAT UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES SHALL NOT BE USED FOR PURPOSES RELATED TO NUCLEAR WEAPONS,

REAFFIRMING IN PARTICULAR THEIR ADHERENCE TO THE OBJECTIVES, PRINCIPLES AND PROVISIONS OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER, THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, AND THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS,

HAVE AGREED AS FOLLOWS:

-- ARTICLE I

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THIS TREATY ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES HAS BEEN CONCLUDED PURSUANT TO ARTICLE III OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS AND SHALL GOVERN ALL SUCH EXPLOSIONS CONDUCTED BY THE PARTIES AFTER MARCH 31, 1976.

-- ARTICLE II

FOR THE PURPOSES OF THIS TREATY:

-- (A) "EXPLOSION" MEANS ANY UNDERGROUND NUCLEAR EXPLOSION FOR PEACEFUL PURPOSES;

--. (B) "EXPLOSIVE" MEANS ANY DEVICE, MECHANISM OR SYSTEM FOR PRODUCING AN EXPLOSION;

-- (C) "GROUP OF SUBSTANTIALLY SIMULTANEOUS EXPLOSIONS" MEANS TWO OR MORE EXPLOSIONS FOR WHICH THE DISTANCE SEPARATING EACH EXPLOSIVE FROM AT LEAST ONE OTHER EXPLOSIVE, MEASURED FROM THE POINT OF EMPLACEMENT OF EACH EXPLOSIVE, IS 40 KILOMETERS OR LESS AND THE TIME INTERVAL BETWEEN INDIVIDUAL EXPLOSIONS IS 5 SECONDS OR LESS.

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-- ARTICLE III

EACH PARTY UNDERTAKES NOT TO CARRY OUT, PARTICIPATE OR ASSIST IN THE CARRYING OUT ANYWHERE, AND FURTHER UNDERTAKES TO PROHIBIT AND PREVENT THE CARRYING OUT IN AREAS UNDER ITS JURISDICTION OR CONTROL, OF:

-- (A) ANY EXPLOSION EXCEPT IN COMPLIANCE WITH THE PROVISIONS OF THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER;

-- (B) ANY EXPLOSION HAVING A YIELD EXCEEDING 150 KILOTONS;

-- (C) ANY GROUP OF SUBSTANTIALLY SIMULTANEOUS EXPLOSIONS:

-- (1) HAVING AN AGGREGATE GROUP YIELD EXCEEDING 150 KILOTONS EXCEPT IN WAYS THAT WILL PERMIT IDENTIFICATION OF EACH EXPLOSION AND MEASUREMENT OF THE YIELD OF EACH EXPLOSION IN THE GROUP IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE V OF AND PROTOCOL II TO THIS TREATY; OR

-- (2) HAVING AN AGGREGATE GROUP YIELD EXCEEDING 1000 KILOTONS.

-- ARTICLE IV

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CONSISTENT WITH THE OBJECTIVE OF ASSURING THAT UNDER-
GROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES SHALL NOT
BE USED TO OBTAIN WEAPON-RELATED BENEFITS, NO EXPLOSION
SHALL BE CONDUCTED OUTSIDE THE GEOGRAPHICAL BOUNDARIES
OF SPECIFIED TEST SITES ESTABLISHED AND MAINTAINED UNDER
THE PROVISIONS OF THE TREATY ON THE LIMITATION OF UNDER-
GROUND NUCLEAR WEAPON TESTS, EXCEPT PEACEFUL ENGINEERING
APPLICATIONS WHICH FOR TECHNICAL REASONS CANNOT BE CARRIED
OUT AT SUCH TEST SITES.

------ ARTICLE V

1. FOR THE PURPOSE OF PROVIDING ASSURANCE OF COM-
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PLIANCE WITH THE PROVISIONS OF THIS TREATY, EACH PARTY
SHALL:

------ (A) USE NATIONAL TECHNICAL MEANS OF VERIFICATION
AT ITS DISPOSAL IN A MANNER CONSISTENT WITH GENERALLY
RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW; AND

------ (B) PROVIDE INFORMATION AND ACCESS TO SITES OF
EXPLOSIONS AND FURNISH ASSISTANCE IN ACCORDANCE WITH THE
PROVISIONS SET FORTH IN PROTOCOLS I AND II.

2. EACH PARTY UNDERTAKES NOT TO INTERFERE WITH THE
NATIONAL TECHNICAL MEANS OF VERIFICATION OF THE OTHER
PARTY OPERATING IN ACCORDANCE WITH PARAGRAPH 1(A) OF THIS
ARTICLE, OR WITH THE EXERCISE OF THE RIGHTS PROVIDED FOR
IN PARAGRAPH 1(B) OF THIS ARTICLE.

------ ARTICLE VI

EACH PARTY UNDERTAKES NOT TO CARRY OUT, PARTICIPATE,
OR ASSIST IN THE CARRYING OUT OF, ANY EXPLOSION IN THE
TERRITORY OF ANOTHER STATE UNLESS THAT STATE AGREES TO THE
IMPLEMENTATION IN ITS TERRITORY OF THE PROVISIONS OF
ARTICLE V OF AND PROTOCOLS I AND II TO THIS
TREATY, INCLUDING THE PROVISION OF ANY ASSISTANCE NECES-
SARY FOR SUCH IMPLEMENTATION.

------ ARTICLE VII

1. TO PROMOTE THE OBJECTIVES AND IMPLEMENTATION OF
THE PROVISIONS OF THIS TREATY, EACH PARTY SHALL CONSULT
AND COOPERATE WITH THE OTHER, AND IN SO DOING THE PARTIES
SHALL:

------ (A) CONSIDER QUESTIONS CONCERNING COMPLIANCE WITH
THE OBLIGATIONS ASSUMED AND RELATED SITUATIONS WHICH MAY

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BE CONSIDERED AMBIGUOUS;

------ (B) FURNISH INFORMATION IN RESPONSE TO INQUIRIES THAT EITHER PARTY MAKES OF THE OTHER TO ASSURE CONFIDENCE IN COMPLIANCE WITH THE OBLIGATIONS ASSUMED;

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------ (C) CONSIDER QUESTIONS INVOLVING UNINTENDED INTERFERENCE WITH THE MEANS FOR ASSURING COMPLIANCE WITH THE PROVISIONS OF THIS TREATY SET FORTH IN ARTICLE V;

------ (D) CONSIDER CHANGES IN TECHNOLOGY OR OTHER NEW CIRCUMSTANCES WHICH HAVE A BEARING ON THE PROVISIONS OF THIS TREATY; AND

------ (E) CONSIDER, AS APPROPRIATE, POSSIBLE AMENDMENTS TO PROVISIONS GOVERNING UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

2. TO ASSIST IN THE DEVELOPMENT OF THE CONSULTATION AND COOPERATION CONTEMPLATED IN PARAGRAPH 1 OF THIS ARTICLE THE PARTIES, IN ACCORDANCE WITH THEIR CONSTITUTIONAL PROCEDURES, MAY FROM TIME TO TIME ENTER INTO AGREEMENTS ON COOPERATION IN THE FIELD OF UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

------ ARTICLE VIII

EACH PARTY MAY PROPOSE AMENDMENTS TO THIS TREATY. AGREED AMENDMENTS SHALL ENTER INTO FORCE IN ACCORDANCE WITH THE PROCEDURES GOVERNING THE ENTRY INTO FORCE OF THIS TREATY.

------ ARTICLE IX

1. THIS TREATY SHALL REMAIN IN FORCE FOR A PERIOD OF FIVE YEARS, AND IT SHALL BE EXTENDED FOR SUCCESSIVE FIVE-YEAR PERIODS UNLESS EITHER PARTY NOTIFIES THE OTHER OF ITS TERMINATION NO LATER THAN SIX MONTHS PRIOR TO ITS EXPIRATION. HOWEVER, IN NO EVENT SHALL EITHER PARTY BE ENTITLED TO TERMINATE THIS TREATY WHILE THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS REMAINS IN FORCE.

2. TERMINATION OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS SHALL ENTITLE EITHER PARTY TO WITHDRAW FROM THIS TREATY AT ANY TIME.

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3. SIMULTANEOUSLY WITH THE CONSIDERATION OF ANY PRO-

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POSED AMENDMENT TO OR REPLACEMENT OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, THE PARTIES SHALL CONDUCT JOINTLY A REVIEW OF THIS TREATY.

------ ARTICLE X

1. THIS TREATY, INCLUDING PROTOCOLS I AND II WHICH FORM AN INTEGRAL PART HEREOF, SHALL BE SUBJECT TO RATIFICATION IN ACCORDANCE WITH THE CONSTITUTIONAL PROCEDURES OF EACH PARTY. THIS TREATY SHALL ENTER INTO FORCE ON THE DAY OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION WHICH EXCHANGE SHALL TAKE PLACE SIMULTANEOUSLY WITH THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS.

2. THIS TREATY SHALL BE REGISTERED PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS.

DONE AT ( ), IN TWO COPIES, EACH IN THE ENGLISH AND RUSSIAN LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

------ PROTOCOL I

<< END OF DOCUMENT >>

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